THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24117 of 2007

Between:

M.Veeresh.

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PETITIONER

and

The District Collector and others.

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RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24117 of 2007

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ORDER:

This writ petition has been filed seeking a Writ of Mandamus declaring the action of the 1st respondent in not passing any orders on the representation filed by the petitioner on 25-10-2007 as illegal and arbitrary.

It is the case of the petitioner that he filed a representation before the District Collector, Kurnool, on 25-10-2007 stating that one Smt.M.Lingamma, grand mother of the petitioner, is the owner of the land admeasuring Ac.1-50 cents in Sy.No.63 situated at Kodumuru Village and Mandal, Kurnool District. After the death of his grand mother and father, the petitioner succeeded the said land. While so, the 3rd respondent, without giving any notice to the petitioner, issued pattadar pass book in favour of the 4th respondent in respect of the land in question.

It is further stated that the 4th respondent filed a suit O.S.No.1141 of 2007 on the file of Principal Junior Civil Judge, Kurnool, in which the petitioner received a notice. Then, he came to know that the pattadar pass book and title deeds have been issued in favour of the 4th respondent.

If that be so, I am of the opinion that a simple representation filed by the petitioner before the District Collector to cancel the pattadar pass book and title deeds issued in favour of the 4th respondent is not maintainable. If any pattadar pass book and title deeds have been issued by the Competent Authority, against which, an appeal lies to the Appellate Authority under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short "the Act") and a remedy of revision under Section 9 of the Act.

Therefore, in the absence of any specific provision entitling the District Collector to consider and dispose of the representation, dated 25-10-2007, I am of the opinion that no Writ of Mandamus can be issued as claimed by the petitioner.

Accordingly, the writ petition is dismissed with liberty to work out his remedies in accordance with law. There shall be no order as to costs.

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15-11-2007

Prv